



DEPARTMENT OF THE ARMY  
U.S. Army Corps of Engineers  
WASHINGTON, D.C. 20314-1000

REPLY TO  
ATTENTION OF:

CERE-MC

22 JUN 1990

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Title 10 U.S.C. 2668: Easements for rights-of-way

1. Enclosed is the new Title 10, United States Code, Section 2668.
2. Title 10, United States Code, Section 2668 has been modified so that Department of Defense can grant an easement for, "poles and lines for the transmission or distribution of electric power; poles and lines for the transmission or distribution of communications signals (including telephone and telegraph signals); and structures and facilities for the transmission, reception, and relay of such signals."
3. The following paragraph will replace 8-181 a.

Authority: Title 10, United States Code, Section 2668 provides authority for the following types of easements; roads and streets; railroad tracks; oil pipelines; substations for electric power transmission lines, telephone lines and telegraph lines; and pumping stations for gas, water, sewer, and pipelines; canals; ditches; flumes; tunnels; dams and reservoirs in connection with fish and wildlife programs, fish hatcheries and other improvements relating to fish culture; **poles and lines for the transmission or distribution of electric power; poles and lines for the transmission or distribution of communications signals (including telephone and telegraph signals); and structures and facilities for the transmission, reception, and relay of such signals; and for certain other purposes (emphasis added).**

4. Title 43, United States Code, Section 961, Right-of-way through public lands, Indian, and other reservations for power and communication facilities, has not been repealed. Thus, districts will have a choice of which authority to use. A new paragraph 8-181 h will read, "Title 43, United States Code, Section 961 has not been replaced, however Title 10, United States Code, Section 2668 can be used instead."

5. The advantage of using Title 10, United States Code, Section 2668 is that you grant easements in perpetuity and without the restrictions found in Title 43, United States Code, Section 961.

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6. Title 10, United States Code, Section 2668 can be used to grant easements to the wireless antenna industry to place antennas and towers on Department of Defense administered property.

FOR THE COMMANDER:

Encl

B. J. FRANKEL  
Director of Real Estate

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SUBJECT: Placement of Commerical Antennas on Federal Property (Update)

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